

**STATE OF TEXAS  
COUNTY OF BEXAR  
CITY OF SAN ANTONIO**

**REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, MARCH 3, 2005**

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The City Council convened in an informal "B" Session at 10:00 A.M., Municipal Plaza Building "B" Room, 103 Main Plaza, San Antonio, Texas 78205 for the purpose of:

Staff briefing on Recycling in San Antonio. [Presented by Daniel V. Cárdenas, Director, Environmental Services; Melissa Byrne Vossmer, Assistant City Manager]

The Councilmembers present were: Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass. ABSENT: Flores, Garza.

The "B" Session adjourned at 10:50 am.

The Regular Meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor Ed Garza, with the following members present: Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. ABSENT: None.

The Invocation was delivered by Rev. Richard Sayles, District 6, Grant Community AME Church.

Mayor Garza led the Pledge of Allegiance to the flag of the United States.

**CEREMONIAL ITEMS**

Mayor Garza presented the following honorariums: proclamations in recognition of "Women's History Month", "MACE Recognition Week" (MacArthur Academy of Creative Education), and the 11<sup>th</sup> annual "Basura Bash Day."

On a point of personal privilege, Councilman Ron Segovia called forward Ms. Delia Guajardo, President of the U.S. Military Veteran's Parade Association, who presented awards to a representative of the U.S. Border Patrol.

The minutes of the February 10 and February 17, 2005 meeting were approved as presented.

**CONSENT AGENDA – CITIZENS TO BE HEARD**

The following citizen(s) appeared to speak:

Mr. Jack Finger, PO Box 12048, spoke to various consent agenda items, and urged certain Council members to abstain from voting on those items in which they received campaign contributions from various companies and/or organizations.

**CONSENT AGENDA**

Items 7, 8, 9, and 15 were addressed individually from the consent agenda. The remaining Items 10 through 20D were approved under the consent agenda upon motion made by Councilmember Perez and seconded by Councilmember Haass.

After consideration, the motion, carrying with it the passage of the Ordinances, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

AN ORDINANCE 100484

ACCEPTING FUNDS IN THE AMOUNT OF \$41,900.00 FROM THE SAN ANTONIO WATER SYSTEM FOR STREET IMPROVEMENTS IN CONNECTION WITH THE SPRINGFIELD ROAD FROM LOOP 410 TO FM 78 PROJECT, LOCATED IN COUNCIL DISTRICT 2; AND INCREASES THE FY 2005 STREET MAINTENANCE FUND'S APPROPRIATION BY \$41,900.00.

AN ORDINANCE 100485

AUTHORIZING THE INTERIM CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN "AGREEMENT TO CONTRIBUTE FUNDS" WITH THE TEXAS DEPARTMENT OF TRANSPORTATION ("TXDOT") AND AUTHORIZING FUNDS IN AN AMOUNT NOT TO EXCEED \$400,000.00 FROM 2003-2007 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDS PAYABLE TO TXDOT FOR RIGHT OF WAY ACQUISITION IN CONNECTION WITH THE HIGHWAY 281 CORRIDOR – U.S. 281 @ LOOP 1604 PROJECT, LOCATED IN COUNCIL DISTRICT 9; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100486

AUTHORIZING FUNDS IN THE AMOUNT OF \$47,700.00 FROM THE STREET MAINTENANCE OPERATING FUND TO BAIN MEDINA BAIN, INC., FOR ENGINEERING CONSULTING SERVICES, UNDER A PREVIOUSLY AUTHORIZED INDEFINITE DELIVERY PROFESSIONAL SERVICES AGREEMENT, IN CONNECTION WITH DESIGN ADJUSTMENTS AT CERTAIN RAILROAD CROSSINGS IN COUNCIL DISTRICTS 1, 5 AND 8; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100487

AMENDING ORDINANCE NO. 99032, DATED APRIL 8, 2004 BY ADDING ONE PARCEL OF LAND IDENTIFIED AS LOTS 13 AND 14, BLOCK 14, NEW CITY BLOCK 16524 A/K/A PARCEL 17737 IN CONNECTION WITH THE ORR STREET BUYOUTS (WESTWOOD VILLAGE CREEK) PROJECT, AN AUTHORIZED 2003-2007 STORM WATER REVENUE BOND PROJECT, LOCATED IN COUNCIL DISTRICT 6.

AN ORDINANCE 100488

AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH THE INSTITUTO DE MEXICO FOR THE USE OF APPROXIMATELY 21,000 SQUARE FEET OF SPACE IN TWO BUILDINGS, ONE LOCATED AT 600 HEMISFAIR PARK (FORMERLY BUILDINGS 329-332) AND CONTAINING APPROXIMATELY 16,667 SQUARE FEET OF SPACE FOR A TEN (10) YEAR TERM BEGINNING ON MARCH 1, 2005 AND EXPIRING FEBRUARY 28, 2015 AND THE OTHER KNOWN AS THE KAMPMANN HOUSE (BUILDING 235), CONTAINING A TOTAL OF 4,314 SQUARE FEET OF SPACE, FOR THE SAME TERM UNLESS THE CITY PROVIDES NOTICE, AT WHICH POINT THE TERM WILL END EIGHTEEN (18) MONTHS AFTER NOTICE HAS BEEN GIVEN TO THE CITY.

AN ORDINANCE 100489

APPROVING THE TERMS OF THE SETTLEMENT AGREEMENT BETWEEN THE CITY OF BOERNE AND THE CITY OF SAN ANTONIO RESOLVING ALL ANNEXATION AND EXTRATERRITORIAL JURISDICTION AREA DISPUTES BETWEEN THESE PARTIES OUTLINED IN CAUSE NO. 98-005, CITY OF BOERNE V. CITY OF SAN ANTONIO, IN THE 216<sup>TH</sup> JUDICIAL DISTRICT COURT OF KENDALL COUNTY, TEXAS; APPROVING THE TERMS OF THE AGREED

FINAL JUDGMENT ATTACHED TO THE SETTLEMENT AGREEMENT;  
AUTHORIZING THE CITY ATTORNEY TO EXECUTE THE SETTLEMENT  
AGREEMENT AND AGREED FINAL JUDGMENT; PROVIDING A  
SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

AN ORDINANCE 100490

AUTHORIZING THE TEMPORARY CLOSURE OF THE MEDIAN AND THE  
NORTH SIDE OF NUEVA STREET BETWEEN SOUTH ALAMO STREET AND  
SOUTH PRESA STREET FROM 6 P.M. ON FRIDAY, APRIL 1, 2005 TO 8 P.M. ON  
SUNDAY, APRIL 3, 2005 FOR THE ANNUAL STARVING ARTIST ART SHOW  
SPONSORED BY THE LITTLE CHURCH OF LA VILLITA.

AN ORDINANCE 100491

AUTHORIZING THE TEMPORARY CLOSURE OF WEST FRENCH PLACE  
BETWEEN GERMANIA STREET AND EPWORTH STREET FROM 10:00 A.M. TO  
6 P.M. ON SUNDAY, APRIL 3, 2005 FOR THE ASSUMPTION SEMINARY'S  
ANNUAL POLIO FESTIVAL.

AN ORDINANCE 100492

EFFECTING SUNSET OF THE CLEAN-UP CITY COMMISSION EFFECTIVE  
APRIL 1, 2005; AND REPEALING ORDINANCE NO. 77362 IN ACCORDANCE  
THEREWITH.

AN ORDINANCE 100493

APPOINTING TYRONE JOHNSON (PROVIDER OF HANDICAPPED SERVICES –  
DISTRICT 1) TO THE DISABILITY ACCESS ADVISORY COMMITTEE FOR A  
TERM OF OFFICE TO EXPIRE ON DECEMBER 31, 2006.

AN ORDINANCE 100494

REAPPOINTING HOWARD PEAK (TECHNOLOGY AND RESEARCH CATEGORY  
– DISTRICT 6) TO THE BROOKS DEVELOPMENT AUTHORITY FOR A TERM OF  
OFFICE TO EXPIRE ON NOVEMBER 4, 2006.

AN ORDINANCE 100495

REAPPOINTING BUD (LLOYD) LITTLE (DISTRICT 10) TO KEEP SAN ANTONIO BEAUTIFUL, INC., FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 22, 2006.

AN ORDINANCE 100496

APPOINTING CHRIS ALDERETE (MAYOR) TO THE MAYOR'S COMMISSION ON THE STATUS OF WOMEN FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 31, 2006.

**CONSENT ITEMS FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following ordinance:

AN ORDINANCE 100497

ACCEPTING THE BID SUBMITTED BY ZUMRO, INC. TO PROVIDE THE CITY OF SAN ANTONIO FIRE DEPARTMENT WITH THIRTEEN (13) DECON SHELTERS AND ONE LIGHT TOWER FOR A TOTAL COST OF \$345,274.39 FROM STATE HOMELAND SECURITY GRANT FUNDS.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember Segovia seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

The City Clerk read the following ordinance:

AN ORDINANCE 100498

ACCEPTING THE BID SUBMITTED BY DAILY AND WELLS COMMUNICATIONS, INC. (MBE) TO PROVIDE THE CITY OF SAN ANTONIO FIRE DEPARTMENT WITH TWO 12-VOLT AND TWO 120-VOLT TACTICAL RADIO INTER-OPERABILITY REPEATER SYSTEMS FOR A TOTAL COST OF \$62,500.00 FROM STATE HOMELAND SECURITY GRANT FUNDS.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember Segovia seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

The City Clerk read the following ordinance:

AN ORDINANCE 100499

ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY OF SAN ANTONIO WITH THE VARIOUS TYPES OF COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FISCAL YEAR 2004-2005 FOR AN ESTIMATED COMBINED ANNUAL COST OF \$593,317.00 TO INCLUDE CONTRACTS FOR PURCHASE, INSPECTION & MAINTENANCE OF FIRE EXTINGUISHERS, WORK UNIFORM RENTAL, ALPHA TRIMLINE SECURITY CASES, PERSONAL COMPUTER SERVICES, AUTOMOTIVE SHOP SUPPLIES COMMERCIAL DEICER, NEXTEL RADIO PHONE AND SERVICES, AND PLASTIC BAGS.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember Segovia seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Segovia.

The City Clerk read the following ordinance:

AN ORDINANCE 100500

AUTHORIZING A LICENSE AGREEMENT WITH H.E.B. GROCERY COMPANY, L.P., TO USE A PORTION OF A PARKING LOT AS A TEMPORARY LOCATION FOR THE MCCRELESS COMMUNITY LINK SERVICE CENTER AT NO COST TO THE CITY; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE BY EIGHT (8) VOTES.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember Williams seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Perez, Radle, Barrera, Hall, Haass, Garza. **NAYS:** None. **ABSENT:** Segovia. **ABSTAINED:** Castro, Schubert.

Mayor Garza acknowledged the Consul General of Mexico, who commented on the art exhibits from the Instituto de Mexico, and spoke to the blending of the cultures. She acknowledged former consulates, and thanked the Mayor and Council for their cooperation regarding agenda item 14 (Ordinance 100488).

### **1:30 PM PUBLIC CONSIDERATION OF ORDINANCES**

The City Clerk read the following ordinance:

#### **AN ORDINANCE 100501**

AUTHORIZING THE ISSUANCE OF \$240,235,000.00 "CITY OF SAN ANTONIO, TEXAS ELECTRIC AND GAS SYSTEMS REVENUE BONDS, NEW SERIES 2005" AND \$461,230,000.00 "CITY OF SAN ANTONIO, TEXAS ELECTRIC AND GAS SYSTEMS REVENUE BONDS, NEW SERIES 2005"; PROVIDING THE TERMS, CONDITIONS AND SPECIFICATIONS FOR SUCH BONDS, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING THERETO; MAKING PROVISIONS FOR THE PAYMENT AND SECURITY THEREOF ON A PARITY WITH CERTAIN CURRENTLY OUTSTANDING OBLIGATIONS; STIPULATING THE TERMS AND CONDITIONS FOR THE ISSUANCE OF ADDITIONAL REVENUE BONDS ON A PARITY THEREWITH; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT, AN ESCROW AND TRUST AGREEMENT, AND A BOND PURCHASE AGREEMENT; COMPLYING WITH THE REQUIREMENTS OF THE DEPOSITORY TRUST COMPANY; DELEGATING THE AUTHORITY TO CERTAIN MEMBERS OF THE CITY PUBLIC SERVICE BOARD STAFF TO EXECUTE CERTAIN DOCUMENTS RELATING TO THE SALE OF THE BONDS; ENACTING OTHER PROVISIONS INCIDENT AND RELATED TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE BY EIGHT (8) VOTES.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember Hall seconded the motion.

Mr. Ben Gorzell, Director of Public Utilities, introduced Mr. David C. Jungman, Vice-President of Financial Services, City Public Service (CPS).

Mr. Jungman narrated a slide presentation regarding CPS' debt management policy, a copy of which is on file with the Office of the City Clerk. The presentation also focused on agenda item 4B, resolution 2005-10-06. He discussed CPS' 25-year financial forecast model, financial tools to lower debt service costs, maintaining favorable financial ratios and credit ratings, and targeting a long-term capital structure of approximately 50% debt and 50% equity. He discussed specific details of the bond issuance, and spoke to the proposed bond issue for the construction program and what the new money bond proceeds would fund. He then amplified on the future transmission of construction projects, and program funding. He outlined the financing plan for capital projects, and discussed the underwriting syndicate.

The following citizens appeared to speak:

Mr. Jack M. Finger, PO Box 12048, addressed item 4A, and spoke to issues related to the Cagnon to Kendall Project. He questioned the debt associated with CPS, and cited comments made in the *San Antonio Express News* by columnist Roddy Stinson.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

The City Clerk read the following resolution:

A RESOLUTION 2005-10-06

ESTABLISHING THE CITY'S INTENTION TO REIMBURSE ITSELF FOR THE PRIOR LAWFUL EXPENDITURE OF FUNDS RELATING TO CONSTRUCTING VARIOUS CAPITAL INFRASTRUCTURE IMPROVEMENTS TO THE CITY'S ELECTRIC AND GAS SYSTEMS FROM THE PROCEEDS OF TAX-EXEMPT OR TAXABLE OBLIGATIONS NOT TO EXCEED \$400,000,000.00 TO BE ISSUED BY THE CITY FOR AUTHORIZED PURPOSES; AND AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO.

Councilmember Perez made a motion to approve the proposed Resolution. Councilmember Segovia seconded the motion.

After consideration, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

## INDIVIDUAL ITEMS FOR CONSIDERATION – CITIZEN COMMENTS

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, PO Box 12048, spoke to various individual agenda items. He urged Councilmembers to vote for certain individuals to fill openings on certain boards and commissions. He addressed agenda item #24, and urged Councilman Williams to offer a resolution opposing bonds. He then spoke to how tax money was being utilized on various projects.

Ms. Yolanda Ledesma, Assistant City Clerk, presented the nominations for the Municipal Civil Service Commission.

For regular member, the following were nominated:

Jureta Marshall (District 2)  
Ronald Martin (District 1)  
Robert C. Mayhew (Districts 8, 10, and Mayor)  
Joseph Tartell (Districts 8, 10, and Mayor)  
Isidro Cardenas (current member serving as holdover – District 10)  
Relvis D. Zeigler (District 10)

For alternate members, the following were nominated:

Mary Ellen Rodriguez (current member serving as holdover – Districts 8, 10, and Mayor)  
Grace Hernandez (current member serving as holdover – Districts 8, 10, and Mayor)  
Rodger Pacheco (Districts 8, 10, and Mayor)

Councilmember Haass made a motion to approve slate 1, consisting of Mr. Martin, Mr. Tartell, and Mr. Mayhew. Councilmember Radle seconded the motion.

Councilmember Radle made an amendment to fill only 2 of the slots for regular member and leave 1 open and re-advertise to expand the candidate list. Councilmember Castro seconded the motion.

After consideration, the motion to expand the candidate list for the 3<sup>rd</sup> regular member slot failed by the following vote: **AYES:** Radle, Castro, Hall, Garza. **NAYS:** Flores, Williams, Segovia, Perez, Barrera, Schubert, Haass. **ABSENT:** None.

After consideration, the motion for slate 1 prevailed by the following vote: **AYES:** Flores, Radle, Barrera, Castro, Hall, Schubert, Haass, **NAYS:** Williams, Segovia, Perez, Garza. **ABSENT:** None.

Councilmember Hall made a motion to approve slate 2, consisting of appointing Ms. Marshall and Ms. Rodriguez as alternates. Councilmember Williams seconded the motion.

After consideration, the motion for slate 2 prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

After consideration, the main motion to approve all candidates receiving the majority vote, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

#### AN ORDINANCE 100502

APPOINTING (3) REGULAR MEMBERS AND TWO (2) ALTERNATE MEMBERS - TO THE MUNICIPAL CIVIL SERVICE COMMISSION; AND DESIGNATING A CHAIRPERSON. (Appointing Ronald Martin, Robert C. Mayhew, and Joseph Tartell as regular members, and Jureta Marshall, and Mary Ellen Rodriguez as alternate members. Mr. Tartell, appointed to serve as the chairperson.)

Ms. Yolanda Ledesma, Assistant City Clerk, presented the nominations for the Citizen Action Advisory Board.

Gregory J. Evans (reappointment – District 4)	Connie A. Sonnen (Mayor)
Joseph A. O'Brien (reappointment – District 6)	Stanley J. Waghalter (District 7)
Oliver Hill (reappointment – Districts 2 and 8)	Frank G. Anaya (District 1)
Robert R. Ressman (reappointment – District 10)	Joe G. Candia (District 3)
Kenneth E. Weaver (District 10)	Kevin P. Cloonan (District 1)
Edith A. McNeal (District 6)	

Councilmember Haass made a motion to reappoint Mr. Joseph A. O'Brien, Mr. Oliver Hill and Mr. Robert R. Ressman. Councilmember Williams seconded the motion.

After consideration, the motion prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

The following were nominated to fill the remaining three (3) slots:

Gregory J. Evans  
Kenneth E. Weaver  
Edith A. McNeal  
Connie A. Sonnen

Stanley J. Waghalter  
Frank G. Anaya  
Joe G. Candia  
Kevin P. Cloonan

After roll call votes, Mr. Kenneth E. Weaver, Ms. Connie A. Sonnen, and Mr. Joe G. Candia received the majority votes.

Councilmember Flores made a motion to appoint the candidates receiving the majority votes. Councilmember Williams seconded the motion.

After consideration, the motion to appoint the candidates receiving the majority votes prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

After consideration, the main motion to appoint all candidates receiving the majority votes, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

AN ORDINANCE 100503

REAPPOINTING JOSEPH A. O'BRIEN (DISTRICT 6), OLIVER HILL (DISTRICTS 2 AND 8), AND ROBERT R. RESSMAN (DISTRICT 10) AND APPOINTING KENNETH E. WEAVER (DISTRICT 10), CONNIE A. SONNEN (MAYOR), AND JOE G. CANDIA (DISTRICT 3) TO THE CITIZEN ACTION ADVISORY BOARD.

The City Clerk read the following ordinance:

AN ORDINANCE 100504

AUTHORIZING THE INTERIM CITY MANAGER OR HIS DESIGNEE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH ARCUS, L.L.C. FOR AN ESTIMATED MONTHLY AMOUNT OF \$35,000.00, WITH A PROJECTED TOTAL OF \$140,000.00 TO PROVIDE THE CITY OF SAN ANTONIO WITH AN INTERIM CHIEF INFORMATION OFFICER.

Councilmember Williams made a motion to approve the proposed Ordinance. Councilmember Hall seconded the motion.

Mr. Rolando Bono, Interim City Manager, narrated a slide presentation regarding the contract for Interim Chief Information Officer (CIO) Services, a copy of which is on file with the Office of the City Clerk. He noted the ordinance would authorize the Interim City Manager or his designee to execute a professional services agreement with Arcus, L.L.C. to provide the City of San Antonio with an Interim Chief Information Officer. He spoke to major investments in technology, and acknowledged an effective CIO would represent an integral asset in the change management required with the continued implementation of critical IT infrastructure, while focusing on larger strategic IT issues. He then cited the job duties of a permanent CIO. He discussed the fiscal impact, and staff's recommendations.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Haass, Garza. **NAYS:** Castro, Hall. **ABSENT:** Schubert.

### **3:00 PM PUBLIC HEARING & ORDINANCE**

Mayor Garza declared the public hearing to be open.

Ms. Rebecca Waldman, Director of Asset Management, narrated a slide presentation regarding the proposed closure of two 14 foot-wide Public Rights of Way, a copy of which is on file with the Office of the City Clerk. She acknowledged the closures and the assembled property would accommodate the construction of a new Fire Station No. 7. She noted all abutting property owners were agreeable to the proposed closure, and the owner of Lot 3 had quitclaimed his interest in the alley of the City. She then discussed staff coordination and policy analysis.

No citizens were signed to speak.

Mayor Garza declared to the public hearing to be closed.

The City Clerk read the following ordinance:

#### **AN ORDINANCE 100505**

**CLOSING, VACATING AND ABANDONING TWO (2) 14 FOOT-WIDE ALLEYS LOCATED DIRECTLY NORTH OF FLORIDA STREET BETWEEN S. SAINT MARY'S STREET AND S. PRESA STREETS WITHIN NCB 2992, IN COUNCIL DISTRICT 1, FOR THE DEVELOPMENT AND CONSTRUCTION OF FIRE**

STATION NO. 7, AS REQUESTED BY CITY OF SAN ANTONIO FIRE DEPARTMENT.

Councilmember Hall made a motion to approve the proposed Ordinance. Councilmember Haass seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Segovia, Perez, Radle, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Williams, Barrera.

**INDIVIDUAL ITEMS CONTINUED**

The City Clerk read the following ordinance:

AN ORDINANCE 100506

AMENDING THE BALLOT LANGUAGE FOR THE PROPOSED EDWARDS AQUIFER PROTECTION VENUE PROJECT TO BE CONSIDERED BY THE VOTERS AT THE MAY 7, 2005 SPECIAL ELECTION.

Councilmember Hall made a motion to approve the proposed Ordinance. Councilmember Haass seconded the motion.

Mr. Andy Martin, City Attorney, narrated a slide presentation regarding the amendment to the ballot language of the Edwards Aquifer Protection Venue Project Proposition on the ballot for May 7, 2005, a copy of which is on file with the Office of the City Clerk. He cited Ordinance No. 99608, which ordered a special election on the question of imposing a 1/8 % sales and use tax to finance the Edwards Aquifer Protection Venue Project, and reiterated the current ballot language. He then announced the revised ballot language, and discussed the changes made in detail.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Barrera.

Item 24 is a resolution of support to the Alamo Community College District board of directors, to have the proposed allied health care facility built on the near eastside of San Antonio, within the empowerment zone; as requested by Councilman Joel Williams, district 2.

Councilmember Williams made a motion to approve the proposed Resolution. Councilmember Segovia seconded the motion.

The following citizens appeared to speak:

Dr. Terrence Kelly, Chancellor, Alamo Community College District, urged the Council to allow more time to work things out. He cited the recent vote that took place, and offered suggestions as to what actions could be taken.

Mr. Charles Conner, Board Member with the Alamo Community College District, cited comments made regarding this issue, and addressed those comments. He noted they had a large number of students to serve, and noted decentralization gave them an opportunity to reach a general consensus.

Councilmember Radle made a motion for amendment, to change the language from "near eastside of San Antonio" to within central areas of the empowerment zone. Councilmember Hall seconded the motion.

Councilmember Flores made a friendly amendment to state "less developable site". Councilmember Radle accepted the friendly amendment.

After consideration, the motion on the amendment prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Schubert, Garza. **NAYS:** None. **ABSENT:** Hall, Haass.

After consideration, the main motion as amended, carrying with it the passage of the Resolution prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Castro, Garza. **NAYS:** None. **ABSENT:** Barrera, Hall, Schubert, Haass.

A RESOLUTION 2005-10-07

OF SUPPORT TO THE ALAMO COMMUNITY COLLEGE DISTRICT BOARD OF DIRECTORS, TO HAVE THE PROPOSED ALLIED HEALTH CARE FACILITY BUILT WITHIN THE EMPOWERMENT ZONE, EXCLUDING AREAS DESIGNATED BY HUD AS DEVELOPABLE SITES; AS REQUESTED BY COUNCILMAN JOEL WILLIAMS, DISTRICT 2.

The City Clerk read the following ordinance:

## AN ORDINANCE 100507

AMENDING ORDINANCE NO. 100137 PASSED ON DECEMBER 9, 2004 IN ORDER TO REDUCE THE APPROVED ALLOCATION OF FY 1999 DISTRICT 7 ONE TIME PROJECT FUNDS FROM AN ESTIMATED \$6,591.00 IN SAPD SECURITY COSTS TO THE ACTUAL COST OF \$5,045.89 INCURRED BY THE UNITED STATES MILITARY VETERANS PARADE ASSOCIATION IN CONNECTION WITH THE ANNUAL VETERANS DAY PARADE HELD ON NOVEMBER 6, 2004; AND AUTHORIZING PAYMENT TO THE ASSOCIATION OF THE DIFFERENCE OF \$1,545.11 FOR BARRICADE EXPENSES ASSOCIATED WITH THE PARADE; AS REQUESTED BY COUNCILMAN JULIAN CASTRO, DISTRICT 7.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember Haass seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Williams, Segovia, Perez, Radle, Barrera, Castro, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Flores, Hall.

### EXECUTIVE SESSION

The City Council recessed its Regular Session at 4:10 pm in order to convene in Executive Session for the purpose of:

Deliberate the duties, appointment, and employment of the City Manager, pursuant to Texas Government Code Section 551.074 (personnel matters), and discuss related legal issues, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Deliberate the offer of financial or other incentives related to economic development negotiations with the following business prospects, Texas A&M University System, Faulkner USA, Hanford Development Corporation, and one or more other business prospects, including the possible acquisition and disposition of an interest in real property, pursuant to Texas Government Code Section 551.087 (deliberation regarding economic development negotiations) and Texas Government Code Section 551.072 (deliberation regarding real property); and discuss related legal issues, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Upon a Good Faith Determination by City Council pursuant to §551.086 (c) of the Texas Government Code that the subject matter involves a competitive matter, a discussion

regarding competitive matters (§551.086 of the Tex. Govt. Code) and legal consultation (§551.071 of the Tex. Govt. Code) related to CPS' pricing strategies.

Discuss legal issues relating to Allstars, PT's, Sugar's, XTC, Jane Roe I and Jane Roe II v. City of San Antonio, et al, Cause No. SA-03-CA-356 FB, U.S. Dist. Court for the Western District of Texas, San Antonio Division, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Discuss legal issues related to municipal regulation of development of a school facility by an independent school district, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Mayor Garza reconvened the Regular Session from Executive Session at 9:24 pm, at which time he stated City Council had been briefed on the above-styled matters and gave staff direction, but had taken no official action.

**CITIZENS TO BE HEARD**

Ms. Sherry Marton asked the City Council to reverse the decision regarding the Whispering Oaks subdivision where it was designated as a neighborhood conservation district. She spoke to the process that took place, noting that false information was presented to the City Council.

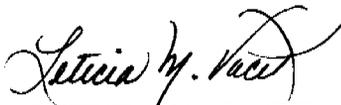
There being no further business to come before the City Council, Mayor Garza adjourned the meeting at 9:28 pm.

A P P R O V E D



EDWARD D. GARZA  
M A Y O R

Attest:



LETICIA M. VACEK  
City Clerk